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5 Attorneys for Defendant

6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE EASTERN DISTRICT OF CALIFORNIA

8 KRISTIN LARES,

9 Plaintiff,

10 v.

11 JO ANNE B. BARNHART,
12 Commissioner of
Social Security,

13 Defendant.

14 CASE NO. 2:04-CV-01718-DAD

15 STIPULATION REMANDING THE
CASE AND DIRECTING THE CLERK
TO ENTER JUDGMENT; ORDER

16 IT IS HEREBY STIPULATED by the parties, through their undersigned attorneys,
and with the approval of the Court as provided below, that the Commissioner has agreed to a
17 voluntary remand of this case pursuant to sentence four of 42 U.S.C. § 405(g) for further
18 proceedings. The purpose of the remand is to offer Plaintiff a new hearing and decision.
19

20 Upon remand, the Appeals Council will remand this case to an Administrative Law
Judge (ALJ), and direct him or her to further evaluate the opinions from Plaintiff's treating and
21 examining sources in accordance with the regulations and Social Security Ruling (SSR) 96-5p.
The ALJ will also further evaluate Plaintiff's credibility in accordance with the regulations and
22 SSR 96-7p, and take into consideration the third-party evidence. If necessary, the ALJ will
23 obtain medical expert testimony. The ALJ will also, if necessary, propound hypothetical
24 questions to a vocational expert, based on all the evidence of record and accurately reflecting all
25 of Plaintiff's non-exertional limitations. The ALJ will take any other action necessary to
26 complete the administrative record and issue a new decision.
27
28

1 It is further stipulated that the Clerk shall enter a separate judgment, as provided for
2 under Rules 58 and 79(a) of the Federal Rules of Civil Procedure, pursuant to Shalala v.
3 Schaefer, 509 U.S. 292, 113 S. Ct. 2625 (1993).
4

5 The parties further stipulate that counsel for Plaintiff will provide a facsimile of this
6 stipulation bearing counsel's signature for retention in Defendant's case file, and hereby
7 authorizes counsel for Defendant to file this document in PDF format under the latter's Electronic
8 Case Filing password, pursuant to Local Rule 7-131.
9

10 DATED: June 29, 2005

/s/ Peter Brixie

PETER BRIXIE
Attorney at Law

Attorney for Plaintiff

11 DATED: June 30, 2005

12 McGREGOR W. SCOTT
United States Attorney

13 By: */s/ Bobbie J. Montoya*
14 BOBBIE J. MONTOYA
15 Assistant U. S. Attorney

16 Attorneys for Defendant

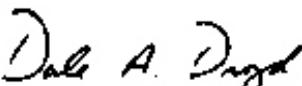
17 OF COUNSEL:

18 LUCILLE GONZALES MEIS
Chief Counsel, Region IX
19 DENNIS J. HANNA
Assistant Regional Counsel
United States Social Security Administration

20 **ORDER**

21 **This case is hereby remanded pursuant to sentence four of 42 U.S.C. 405(g)**
22 **for further proceedings consistent with the stipulation of the parties. The prior**
23 **administrative decision is vacated and the Clerk of the Court is directed to enter**
24 **Judgment.**

25 **DATED: July 1, 2005.**

26 
27 DALE A. DROZD
28 UNITED STATES MAGISTRATE JUDGE